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10/725,230

12/01/2003

Koutatsu Oura

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EXAMINER

HSU, AMY R

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

08/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/725,230 | Applicant(s) OURA ET AL. | |
| | Examiner AMY HSU | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,11-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,10 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/5/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5, 9, 18 have been considered but are moot in view of the new ground(s) of rejection. As discussed in the telephone interview on April 15, 2008 with applicant's representative, the proposed amendments to the claims, particularly the addition of "manual operation of the selector", do overcome the final rejection and prior art of record at the time of the final rejection, mailed 2/21/2008. However, after considering applicant's amended claims directed to the invention as a whole, and followed by an update search, examiner presents new grounds of rejection as follows.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-7, 9-10, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa (US 6819355).

Regarding Claim 1, Niikawa teaches an image pickup system comprising: a camera (*Fig. 5 reference number 1*); and an external apparatus (*reference number 1000*), the camera and the external apparatus being connected to each other via a two-way communication line (*Col 6 Lines 63-64*), wherein the camera comprises: a camera operator capable of setting at least a photographing condition; and a camera communicator configured to allow the camera to photograph based on one of a photographing condition set through the camera operator (*Col 6 Lines 14-17 at least flash mode is a photographing condition*) and a photographing condition received from the external apparatus (*Col 7 Lines 18-20*) and transmitting image data obtained by photographing to the external apparatus (*Fig. 11 S138*), and the external apparatus

comprising: an external apparatus operator capable of setting at least the photographing condition of the camera (*Fig. 6 and Col 7 Lines 7-10*); a display unit capable of displaying a set state of the photographing condition (*See Fig. 6*); an external apparatus communicator configured to transmit the photographing condition to the camera and receive image data from the camera (*Fig. 4 reference number 213*); a selector configured to manually select between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph (*Fig. 8 and Col 8 Lines 30-42*); and a controller configured to set the second photographing mode just after a start of camera control through the external apparatus (*Col 8 Lines 48-49*), read photographing conditions set in the camera into the external apparatus (*Fig. 6 and Col 7 Lines 50-55*), and, set the first or second photographing mode in accordance with manual operation of the selector (*Fig. 11*).

Regarding Claim 2, Niikawa teaches the photographing system according to Claim 1, wherein when a picture is taken in the first photographing mode, the camera communicator transmits obtained image data to the external apparatus each time a picture is taken. See Fig. 7, as long as the PC is connected, it receives image data in S92.

Regarding Claim 3, Niikawa teaches the photographing system according to Claim 1, wherein the external apparatus operator is capable of being configured to set a

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plurality of the photographing conditions of the camera (*Col 7 Lines 18-20, the computer is capable of setting any conditions that the camera is capable of, as seen on the computer display in Fig. 6*), and when the controller sets the second photographing mode, each time one of said photographing conditions is set through the external apparatus operator, the controller allows the camera to photograph based on the photographing conditions (*shutter button c9, see Col 7 Line 16*) including the set photographing condition receive obtained image data (*Fig. 11 S138*), and control the display unit to display the image data (*S1311*).

Regarding Claim 5, Niikawa teaches a camera constructed so as to be connected to an external apparatus through a two-way communication line (*Fig. 5*), the camera comprising: a camera operator capable of setting at least a photographing condition (*Fig. 6 and Col 7 Lines 18-20*); a camera communicator configured to allow the camera to photograph based on one of a photographing condition set by the camera operator and a photographing condition received from the external apparatus (*Col 7*) and transmitting image data obtained by photographing to the external apparatus (*S138, send image data to PC from camera*), wherein just after the start of camera control through the external apparatus, when a selection between a first photographing mode, in which the camera serves as a master to photograph, and a second photographing mode, in which the external apparatus serves as a master and controls the camera to photograph (*Fig. 8 shows the manual selection between the two modes*), is manually performed under the control of the external apparatus to set the second

photographing mode (*Col 8 Lines 48-49*), photographing conditions set in the camera is transmitted to the external apparatus in response to a request sent from the external apparatus, and, a picture is taken in one of the first photographing mode and the second photographing mode under manual control of the external apparatus (*Fig. 11*).

Regarding Claim 6, Niikawa teaches the camera according to Claim 5, wherein in the first photographing mode, the camera communicator transmits obtained image data to the external apparatus each time a picture is taken (*as addressed with Claim 2*).

Regarding Claim 7, Niikawa teaches the camera according to Claim 5, wherein the camera is capable of receiving a plurality of photographing conditions from the external apparatus, and in the second photographing mode, each time one of said photographing conditions is received from the external apparatus, a picture is taken based on photographing conditions including the received photographing condition, and obtained image data is transmitted to the external apparatus (*as addressed with Claim 3*).

Regarding Claim 9, Niikawa teaches an external apparatus configured to be connected to a camera through a two-way communication line (*Fig. 5*), the external apparatus comprising: an external apparatus operator capable of setting at least a photographing condition of the camera; a display unit capable of displaying a set state of the photographing condition (*Fig. 6 shows where conditions are displayed and set by*

the external apparatus); an external apparatus communicator for transmitting the photographing condition and receiving image data from the camera (*Fig. 4 reference number 213*); a selector of said external apparatus configured for manually selecting between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph (*Fig. 8*); and a controller configured to: set the second photographing mode just after a start of camera control through the external apparatus (*Col 8 Lines 48-49*), read photographing information set in the camera, and, set the first or second photographing mode in accordance with the manual selection by the selector (*Fig. 11*).

Regarding Claim 10, Niikawa teaches the external apparatus according to Claim 9, wherein in the first photographing mode, the external apparatus communicator receives image data obtained by photographing from the camera each time a picture is taken (*as addressed with Claim 2*).

Claim 18 is a method claims corresponding to the apparatus of Claim 1 and is therefore rejected similarly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMY HSU whose telephone number is (571)270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2622

ARH 7/29/08

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622